



July 10, 2020

VIA ECF

The Honorable Tena Campbell
United States District Court
District of Utah
351 S. West Temple, Courtroom 3.400
Salt Lake City, Utah 84101

Re: *Thompson v. 1-800 Contacts, Inc., et al.*
No. 2:16-cv-01183 (D. Utah)

Dear Judge Campbell:

As Co-Lead Class Counsel, we write to update the Court on the implementation of the settlement notice program approved by the Court on June 3, 2020. ECF No. 325. The program consists of two parts: (i) a multi-layered media campaign that combines the use of various digital media, a press release, a dedicated settlement website and a toll-free help hotline; and (ii) transmission of e-mail notices to potential members of the settlement classes identified in Defendants' transactional records. *See* ECF No. 321 at 9-12, 15-16. CPT Group, the settlement administrator, estimates the media campaign alone to reach three-quarters of the potential nationwide target audience and, when combined with e-mail and the other manners of notice, to reach the overwhelming majority of the Class members.

Each component of the plan has commenced. On July 8, 2020, CPT Group initiated the digital banner advertising campaign through Google and other web search engines, social media networks and streaming video and music platforms such as YouTube and Pandora. This program will run for ten weeks. A press release was also issued on July 8, 2020, and the settlement website and toll-free hotline have been up and running since June 29, 2020. Claim forms are already being received and processed.

CPT Group began sending e-mail notices to potential Class members on July 2, 2020. CPT Group has already sent hundreds of thousands of e-mails and is continuing to send out new batches daily. CPT Group is closely monitoring the deliverability rate and other metrics as the e-mails are sent and is making necessary technical adjustments to maximize the program's effectiveness. Based on its observations during the first week of the program, CPT Group has advised Co-Lead Class Counsel that it would be prudent to phase the sending of the e-mails, with batches being sent out daily over the next few weeks, rather than sending e-mails to all potential Class members in one massive batch. Given the millions of e-mails that need to be sent, sending the e-mails in one massive batch runs the risk that the various internet service providers that host the e-mail service for Class members (*i.e.*, Gmail, Outlook or Yahoo) will consider the e-mails to be spam or junk e-mails.

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and block them. To maximize the number of e-mails sent daily while minimizing this potential risk, CPT Group has retained two specialized mass e-mail vendors to send out the e-mail notices.

At the current pace, CPT Group is confident that by July 31, 2020 it will have sent notice via e-mail to all the potential members of the settlement classes who are identified in Defendants' transactional records. Because the deadline for opting out is September 21, 2020, that is more than sufficient time for Class members to decide whether to exercise their opt-out rights.

We would be happy to make ourselves available at the Court's convenience should the Court have any questions.

Respectfully submitted,

s/ David W. Mitchell

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s/ Carl Goldfarb

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cc: All Counsel of Record via ECF